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## Report on the Activities of the International Criminal Court

### I. Introduction

This report presents an overview of the activities of the International Criminal Court (“ICC” or “Court”) between **16 September 2020 and 15 September 2021**.<sup>1</sup> The report is structured around the current situations before the Court. The Annex provides an overview of the most important statistics (“The ICC’s year in numbers”).

During the reporting period, the Court was seized of 24 cases, involving 31 defendants, and 15 situations under investigation – Islamic Republic of Afghanistan, People’s Republic of Bangladesh/Republic of the Union of Myanmar (“Bangladesh/Myanmar”), the Republic of Burundi, Central African Republic (“CAR”) I and II, the Republic of Côte d’Ivoire, Darfur (Sudan), Democratic Republic of the Congo (“DRC”), Georgia, the Republic of Kenya, Libya, the Republic of Mali, the State of Palestine, the Republic of the Philippines (“Philippines”) and Uganda. A detailed overview of the activities emanating from each situation is provided in Part II of this report. Additionally, during the reporting period, the Office of the Prosecutor (“OTP” or “Office”) was conducting 10 preliminary examinations.

### II. Situations before the Court

#### A. Situation in Afghanistan

##### 1. Judicial developments

On 16 April 2021, the Prosecutor filed a notification on the status of the Islamic Republic of Afghanistan’s article 18(2) deferral request, detailing communications between the Office and Afghanistan following the latter’s request for deferral of the investigation communicated by the Prosecutor to the Chamber on 15 April 2020.

On 3 September 2021, Pre-Trial Chamber II rejected a number of applications related to the Prosecutor’s notification and motions seeking remedies in connection with information and outreach that were submitted by potential victims between April and August 2021.

The following requests are currently pending before Pre-Trial Chamber II: (i) three requests for reconsideration of the 3 September 2021 decision submitted [by potential victims] on 10, 20 and 24 September 2021, respectively; (ii) a ‘Request to authorise resumption of investigation under article 18(2) of the Statute’ and (iii) an ‘Application for provisional measures under article 18(6) and rule 57’, both submitted on 27 September 2021 by the Prosecutor.

<sup>1</sup> In the interest of providing the most up-to-date information to the Assembly, selected important developments that occurred between 15 September 2021 and the finalization of the report are nevertheless mentioned.

## **2. Investigations**

The OTP continued to engage with a range of stakeholders, to build relevant cooperation networks and prepare the foundation for the commencement of investigative activities. This preparatory work included the identification, analysis and management of risks, assessment of security and logistical issues, and where appropriate, preservation of evidence.

On 27 September 2021, the Prosecutor filed an application for an expedited order before Pre-Trial Chamber II seeking authorization for the Office to resume its investigation in the situation.

## **3. Registry Activities**

The Registry's Victims Participation and Reparations Section ("VPRS") continued to inform victims and their representatives of judicial developments and to organise informative sessions upon request.

The political and security context, pandemic, and the lack of resources represented a challenge for direct communication with the affected communities. The first priority was to get an extensive mapping of actors and potential partners, of the channels of communication to efficiently communicate in Afghanistan. Further, The Registry's Public Information and Outreach Section ("PIOS") has undertaken in cooperation with partners a monitoring of the media to keep track of what is reported on the ICC and Justice, perceptions and rumours, and to identify misinformation and concerns. Timely information on the relevant judicial developments was provided through existing networks of partners in the local languages.

## **B. Situation in Bangladesh/Myanmar**

### **1. Judicial developments**

Between December 2020 and June 2021, the Registry submitted three reports on information and outreach activities undertaken with the affected communities and the victims pursuant to Pre-Trial Chamber III's order to the Registry dated 20 January 2020.

On 27 October 2020, Pre-Trial Chamber III dismissed the 'Victims' joint request concerning hearings outside the host State', dated 4 August 2020.

### **2. Investigations**

Due to the ongoing impact of the COVID-19 pandemic, the Office conducted a limited number of missions in relation to its ongoing investigations. The Office has, however, advanced other aspects of its investigations and has continued to make important progress in the collection of evidence. The Office has engaged with a range of stakeholders, including Government ministries in Bangladesh, diplomats, UN agencies and non-governmental organizations ("NGOs") to inform them on developments in relation to the situation. In February and March 2021, the Office conducted outreach activities to affected communities

On 16 July 2021, the Prosecutor received a high-level visit from the authorities of Bangladesh, aimed at strengthening cooperation.

The OTP continued its efforts to enlarge its cooperation network, respecting both Bangladesh and the wider region, and called upon all parties to cooperate with its investigations, including Myanmar. The Office also monitored judicial proceedings and investigations of other (international) investigative and/or judicial structures, and sought to engage where relevant.

### **3. Registry Activities**

The VPRS continued to inform the victims and their representatives of the alleged crimes committed against the Rohingya population of all relevant judicial developments and potential next steps. It also informed, jointly with PIOS, the Pre-Trial Chamber through periodic reports of the Registry's information and outreach activities.

Due to COVID related restrictions, PIOS used mainly social media to inform the affected communities. Main concerns and misunderstandings were identified from the on-line media and partners. As a result, five radio programs and podcasts were produced in cooperation with the international media partner in Rohingya language and digitally distributed through established networks. They covered the mandate of the ICC as well as important topics such as protection of witnesses, the ICC legal process and the roles of parties and participants in

the proceedings. PIOS also facilitated the production of a program focusing on the work of the OTP.

PIOS liaised with the Independent Investigative Mechanism for Myanmar to exchange information on the respective activities, explore possible avenue of cooperation and harmonize language especially when referring to respective mandates and powers. PIOS is also in the final phases of producing a mapping report on the political context and background information on the situation of Rohingya people; the common perceptions, expectations and misunderstandings about the Court; channels of communication and existing networks. The report also contains indications on how best to reach out to the Rohingya population, including tools and distribution channels.

## **C. Situation in Burundi**

### **1. Investigations**

The Office conducted several missions in connection with investigations into the alleged crimes committed in this situation, as well as to strengthen cooperation networks. The Office continued to collect evidence, including witness interviews concerning the crimes under investigation. Against that background, the OTP benefited from cooperation with States, United Nations (“UN”) entities and NGOs.

### **2. Registry Activities**

The VPRS continued to respond to victim representatives’ requests for information. Outreach continued discussions with the ICC Network of Burundian Journalists and the member organisations of the Coalition for the ICC to develop cooperation projects aimed at raising the knowledge about the country among different target groups including media professionals through them general population and particularly legal community, refugees and groups working with them. To provide further information to victims and affected communities, the Burundian coalition for the ICC continued with the campaign in partnership with PIOS, to pass messages responding to key questions about the ICC through radio, social media and dedicated WhatsApp groups, share outreach tools and answer questions from the member organisations.

## **D. Situation in the Central African Republic (“CAR”)**

### **1. Judicial developments**

On 7 October 2020, Pre-Trial Chamber II informed the Trust Fund for Victims (“TFV”) that the proposed assistance mandate activities in the CAR, as described in the TFV’s Notification under regulation 50 (a) of the Regulations of the TFV, did not appear to pre-determine any issue to be determined by the Court.

(a) *The Prosecutor v. Jean-Pierre Bemba Gombo*

On 1 October 2020, Pre-Trial Chamber II rejected Mr Bemba’s request for leave to appeal the Chamber’s 18 May 2020 decision rejecting his claim for compensation and damages as a result of the Appeals Chamber overturning his conviction.

### **2. Registry Activities**

Counsel from OPCV continued her task of assisting applicants she represents for the purpose of their inclusion and participation in the TFV’s assistance programme in CAR. The Registry supported five missions of legal representatives of victims to CAR.

## **E. Situation in the Central African Republic II (“CAR II”)**

### **1. Judicial Developments**

(a) *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona*

On 9 October 2020, the Appeals Chamber rejected Mr Yekatom’s appeal against the 28 April 2020 decision of Trial Chamber V finding the case against him to be admissible.

On 5 February 2021, the Appeals Chamber confirmed the Trial Chamber’s decision on motions on the scope of the charges and the scope of the evidence at trial, rejecting Mr Yekatom’s two grounds of appeal against that decision.

The trial commenced on 16 February 2021 before Trial Chamber V. The presentation of evidence by the Prosecutor started on 15 March. As of 15 September 2021, 18 witnesses have testified before the Chamber. The testimony of a number of other witnesses has been submitted in writing.

(b) *The Prosecutor v. Mahamat Said Abdel Kani*

On 24 January 2021, Mr Said, an alleged commander and top-ranking member of the militia group known as ‘Seleka’, surrendered and was subsequently transferred to the Court’s custody, pursuant to the warrant of arrest issued against him on 7 January 2019. On 29 January 2021, Mr Said made his initial appearance before the Single Judge of Pre-Trial Chamber II. On 16 August 2021, the Prosecutor submitted the Document Containing the Charges together with its List of Evidence and, on 30 August 2021, the Pre-Confirmation Brief. Mr Said is charged with 14 counts of war crimes and crimes against humanity allegedly perpetrated in Bangui between April and 8 November 2013. The confirmation of charges hearing took place from 12 to 14 October 2021.

On 14 September 2021, the Appeals Chamber confirmed the Trial Chamber’s decision establishing principles applicable to victims’ applications for participation, rejecting the appeal filed by Mr Said.

## 2. Investigations

In the context of its ongoing investigations into the situation, and in particular in relation to the ongoing trial against Mr Yekatom and Mr Ngaïssona and preparations for the confirmation of charges hearing against Mr Said, the Office conducted several investigative missions to, among other, the CAR.

Maintaining and further strengthening cooperation with the newly elected and nominated authorities of the CAR, and enhancing and sustaining cooperation from key stakeholders, including the UN Multidimensional Integrated Stabilization Mission in the CAR as well as neighbouring countries, remained a priority.

The Office continued to monitor and encourage national criminal proceedings as well as cooperate and share expertise with national judicial actors, including the Special Criminal Court.

## 3. Registry Activities

The ICC Country Office (“CO”) supported missions of the Court as well as the TFV. Pre-trial and trial activities related to the *Yekatom and Ngaïssona* case continued, with support provided to OTP, Defence Counsel, LRV and OPCV, VWS, substantive CO CAR led victim and case-focused outreach activities, and courtroom support, including facilitating video link testimony. The CO CAR led an intelligence based operation to assist the execution of the arrest warrant for Mr Said, with related public information and victim participation related activities following thereafter.

*The Grand Debat Sur la Justice* continued to provide ICC branded public information and outreach, within an over-arching transitional justice continuum. A CO CAR based Press Information Centre has been opened to enable CAR media and CAR based counsel to follow courtroom proceedings. Key leader engagement has further helped to leverage that information flow and support. Such support included that provided by the CAR Special Criminal Court, to enable a Bangui based venue from which to broadcast the opening day of the *Yekatom and Ngaïssona* trial. MINUSCA provided logistical and security support.

The facilitation of the application process for victim participation by the VPRS and related field resources continued throughout the trial proceedings in the *Yekatom and Ngaïssona* case and started in the new *Said* case at the pre-trial stage. Relevant staff reached out to victim groups and communities to inform them about the proceedings and the application process, and collect relevant information. The VPRS registered, assessed and transmitted a total of 1,222 victims’ applications to the Chambers in both cases. In following its ‘ABC’ application submission approach,<sup>2</sup> redactions had to be applied on less than 60 applications, saving relevant time and resources of all actors involved.

<sup>2</sup> Appeals Chamber, *The Prosecutor v. Mahamat Said Abdel Kani*, Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled “Decision establishing the principles applicable to victims’ applications for participation”, ICC-01/14-01/21-171, 14 September 2021.

In the *Yekatom and Ngaissona* case, a counsel from the OPCV has been representing 103 former child soldiers; a second group of 1,085 victims of other crimes has been represented by another counsel from the OPCV, jointly with four external counsel. The OPCV counsel have also been assisting the victims they represent for the purpose of their inclusion and participation in the TFV's full assistance programme in CAR launched in 2021.

In the *Said* case, VPRS and its colleagues in the CO engaged in intense training activities of local interlocutors for engagement with victims for participation in the pre-trial phase of the case. VPRS field staff also engaged with victims directly in informing them and collecting application forms. A counsel from the OPCV has been appointed by Pre-Trial Chamber II, on 9 July 2021, to represent the collective interests of applicant victims on a temporary and provisional basis.

The Registry facilitated three missions of defence counsel and four missions of the teams of legal representatives of victims to CAR. The Registry also appointed twelve duty counsel and facilitated two missions in relation to this situation.

## **F. Situation in Côte d'Ivoire ("CIV")**

### **1. Judicial Developments**

On 8 September 2020, Pre-Trial Chamber II informed the Trust Fund for Victims that the proposed assistance mandate activities in Côte d'Ivoire, as described in its Notification under regulation 50 (a) of the Regulations of the TFV, did not appear to pre-determine any issue to be determined by the Court.

(a) *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*

On 31 March 2021, ruling on the appeal of the Prosecutor against the decision of Trial Chamber I to acquit the two accused following no-case-to-answer motions, the Appeals Chamber confirmed, by majority, the acquittals of Mr Gbagbo and Mr Blé Goudé.

(b) *The Prosecutor v. Simone Gbagbo*

On 19 July 2021, Pre-Trial Chamber II granted the request of the Prosecutor, dated 15 June 2021, to vacate the arrest warrant against Simone Gbagbo. The Chamber concluded that developments at the trial and appeal stage of the case of Laurent Gbagbo had made it apparent that the evidence upon which the warrant of arrest for Simone Gbagbo was grounded could no longer be considered as satisfying the evidentiary threshold required in article 58(1)(a) of the Rome Statute.

### **2. Investigations**

The OTP continued the collection of evidence in relation to alleged crimes committed during the post-election violence from the side opposed to former President Laurent Gbagbo (CIV II).

### **3. Registry Activities**

The VPRS did not receive any applications for participation and/or reparations related to crimes allegedly committed the Situation. To date, the total number of victim applications for participation received in relation to the CIV II Situation remains at 3,896.

CIV CO supported a total of 30 missions. In December 2020, CIV CO completed the extension of the office space with the installation of three prefabricated units.

Despite the impact of the COVID-19 pandemic on the CO's ability to conduct operational activities, the Outreach team organised two information sessions in Abidjan to address victims' concerns and queries following the Appeals Chamber's 31 March 2021 judgement confirming the acquittals in the *Gbagbo and Blé Goudé* case, in partnership with a Victims Association (COVICI) and the Ivorian Coalition for the ICC.

In April 2021, the CO conducted a debriefing mission in two localities to exchange on the 2019 awareness campaign with schools and contemplate how to resume activities in the COVID-19 context.

The Registry continued the process of identifying affected communities, their location and support structures on the ground for CIV II, with the support of the VPR staff based in Mali.

729 victims participating in the *Gbagbo & Blé Goudé* case have been represented by the OPCV counsel. Following the confirmation by the Appeals Chamber in March 2021 of Trial Chamber I's acquittal decision, the OPCV counsel has been assisting the victims she represents for the purpose of their inclusion and participation in the TFV's assistance programme in Côte d'Ivoire.

The Registry appointed nine duty counsel and facilitated five missions.

## **G. Situation in Darfur**

### **1. Judicial developments**

(a) *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb)*

The confirmation of charges hearing was held from 24 to 26 May 2021. On 9 July 2021, Pre-Trial Chamber II confirmed 31 counts of war crimes and crimes against humanity allegedly committed between August 2003 and at least April 2004 in Kodoom, Bindisi, Mukjar, Deleig and their surrounding areas in Darfur, Sudan and committed Mr Abd-Al-Rahman to trial. In August and September 2021, the Defence and the Prosecutor requested Pre-Trial Chamber II to reconsider and/or grant leave to appeal the confirmation of charges decision. The requests are currently pending before the Chamber.

During the reporting period, the Appeals Chamber dealt with eight appeals by Mr Abd-Al-Rahman against decisions of Pre-Trial Chamber II, including four decisions to maintain his detention pending trial. Of those appeals, the Appeals Chamber rejected all but one, which is still pending.

The Court signed a cooperation agreement with Sudan in the context of the Abd-Al-Rahman case on 3 and 10 May 2021.

### **2. Investigations**

In August 2021, the Prosecutor conducted an official visit to Sudan, a first visit to a situation country since assuming office, to advance cooperation with both national authorities and the diplomatic community in Khartoum. A new Memorandum of Understanding on cooperation between the Office and the Government of the Republic of Sudan regarding the investigation of all suspects against whom warrants of arrest have been issued by the Court was signed at the conclusion of the visit on 12 August. Since then, the Office has been working to further advance cooperation for its investigations, to create the conditions for a continuous presence of its staff in Sudan, to advance investigations in relation to the suspects who remain at large and to be ready for trial in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*.

### **3. Registry Activities**

The VPRS continued its activities assisting victims in the process of applying to participate in pre-trial proceedings. This entailed the continuous conduct of information and training sessions to a large array of interlocutors, and the collection of victim information and applications including through direct interactions in the field. Due to COVID-19-related restrictions, VPRS continued to also rely heavily on interactive IT solutions.

PIOS designed a cost effective system ensuring access to the information about the Court and the proceedings for a number of target groups and the general population on the ground and among the diaspora, while respecting COVID related restrictions. Key pillars of this approach were: hybrid information sessions; building strong partnerships with civil society and media that can multiply the effect of PIOS communication; the production and wide distribution of an unprecedented number of tailored audio-visual tools, animations, info-graphics and materials in Arabic; and building a solid knowledge at the Outreach Unit of the situation through several mapping reports, consultative meetings with relevant actors and media monitoring.

Further, PIOS established a system to monitor perceptions about the ICC on Arabic on-line and in social media. PIOS organized seven hybrid activities with partners on the ground targeting local civil society, legal community, leaders from the internally displaced persons ("IDP") camps in Darfur, media, Sudanese diaspora and international civil society. Participants were selected based on their key role in the communities and the ability to further distribute the information increasing impact of activities.

Systems were put in place to ensure timely information on the judicial developments to media houses and through them to the affected communities such as facilitation of interviews with Court officials, the creation of a WhatsApp group with almost 50 media representatives and a rapid response system to the questions coming from the journalists, hybrid information sessions and the distribution of tailored information material. Special focus was on the media with national coverage and wide audience in the IDP camps in Darfur. As a result, the Confirmation of Charges hearing was widely covered in Sudan by the important media and the reporting was remarkably accurate.

VPRS received 912 victims' applications in the case, 631 of which required a translation into English. A large majority of the forms received were outside the scope of the case. 188 were assessed and transmitted to the Chamber for participation in the confirmation of charges hearing. Towards the trial, VPRS expects victim numbers to rise.

On 18 January 2021, Pre-Trial Chamber II appointed a counsel from the OPCV to assist potential victims for the purposes of the confirmation proceedings, and on 20 May 2021, as legal representative of a group of victims, and an external counsel to represent another group, at pre-trial stage.

The Registry appointed two duty counsel and facilitated two missions of defence counsel.

## **H. Situation in the Democratic Republic of the Congo (“DRC”)**

### **1. Judicial developments**

#### *(a) The Prosecutor v. Thomas Lubanga Dyilo*

Trial Chamber II remained seized of the implementation plans for symbolic collective reparations and collective service-based reparations, approved in 2016 and 2017, respectively. To date, 1095 victims have been recognised as beneficiaries of reparations in the case. The final deadline for the submission of applications for reparations is 1 October 2021. Implementation of the service-based collective reparations commenced in March 2021.

#### *(b) The Prosecutor v. Germain Katanga*

Trial Chamber II remained seized of the implementation of its reparations order issued on 24 March 2017 and issued decisions approving the implementation of collective reparations in the form of psychological support and alternative housing assistance. The implementation of collective reparations in the form of educational assistance and income generating activities is almost complete.

#### *(c) The Prosecutor v. Bosco Ntaganda*

On 8 March 2021, Trial Chamber VI issued its Order on Reparations, setting the total reparations award for which Mr Ntaganda is liable at USD 30,000,000. The Chamber awarded victims collective reparations with individualised components as the most appropriate way to provide a holistic approach to address the multi-faceted harm suffered by the large number of victims eligible to receive reparations in the case.

On 30 March 2021, the Appeals Chamber confirmed the conviction of Mr Ntaganda for crimes against humanity and war crimes and the sentence of 30 years of imprisonment imposed by the Trial Chamber.

Appeals against the Order on Reparations, by Mr Ntaganda and one of the legal representatives of victims, are currently pending before the Appeals Chamber. In the context of those appeals, on 2 July 2021, the Appeals Chamber rejected Mr Ntaganda's request for suspensive effect of the Order on Reparations. Responses to the appeals were filed on 9 August 2021 and, on 9 September 2021, the Appeals Chamber issued a decision dealing with several procedural issues that had arisen, including, a request by the Trust Fund for Victims to submit observations on the merits of the appeals.

### **2. Investigations**

The OTP continued to engage with the national authorities and various stakeholders, including to secure cooperation in the context of the ongoing proceedings and to encourage national proceedings. The OTP has also been interacting with authorities of the DRC with a view to clarifying some issues relevant to the case against Sylvestre Mudacumura.

### 3. Registry Activities

Despite COVID-19 related restrictions, the COs in Kinshasa and Bunia remained operational by supporting 66 missions. The UN Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) continued to play a key role in supporting the Court’s operations.

The COs continued to support the activities of its clients in the country, especially in relation to the reparations in the *Lubanga* and *Katanga* cases in Ituri province. The offices worked in close collaboration with the TFV, providing logistics, administrative and security support to TFV staff during the implementation phase of the reparations. In this regard, a total of 3 missions in support of the TFV were conducted by field VPR staff. A total of 26 informative sessions were conducted with direct victims and 69 individual consultations on the issue of reparations were conducted with victims of the Ntaganda case. Due to COVID-19 restrictions, this was possible by using a mix of remote and in-person methods.

Due to the pandemic as well as the volatile security situation in Ituri, outreach activities were interrupted. The Outreach unit in DRC supported the TFV in organizing meetings with ambassadors, government ministers, NGOs and journalists.

The CO has also focused on publicizing the reparations especially in the *Lubanga* case, through 4 radio programs in Ituri and Kinshasa with Radio Okapi (UN) with the participation of the TFV’s Executive Director and staff members. As part of the CO’s sensitization program, 27 media interviews were granted and Registry staff participated in 12 live radio programmes and 10 meetings including 6 women.

Registry staff also supported the work of the Experts nominated by Trial Chamber VI in the *Ntaganda* case, identifying alternative working through facilitation of contacts and intensive use of videoconference facilities in view of the pandemic. VPRS field presence facilitated the work of the Experts in Reparations by providing insight of the context and making possible remote interviews with 6 participating victims.

527 applications for reparations linked to the *Lubanga* case were received, analysed and transmitted by the VPRS to the TFV.

The VPRS also actively supported the Trial Chamber in the *Ntaganda* case with the provision of a mapping and sampling of potential reparation beneficiaries. This included a final list of participating victims who may become beneficiaries of reparations, as well as the urgent needs of a sample of victims determined with the support of their legal representatives. The VPRS engaged with the TFV and the legal representatives of victims in the implementation of the Trial Chamber’s orders relating to reparations in the case. VPRS continues to provide relevant legal analysis and database management services.

In the reparations proceedings in the *Ntaganda* case, 1,846 victims of the attacks and 283 former child soldiers continued to be represented by two counsel from the OPCV. On 23 July 2021, Trial Chamber II appointed said counsel to also generally represent the interests and the rights of all potential beneficiaries of reparations in the course of the reparations proceedings.

283 victims are represented by external counsel in relation to the *Katanga* reparations proceedings, and 39 victims are represented by a Counsel from the OPCV. Of the 1,255 victims that were admitted to receive reparations in the *Lubanga* case, 565 are represented by the OPCV and 690 by external counsel. A counsel from the OPCV has been representing 634 former child soldiers.

The Registry assisted the teams of legal representatives of victims to conduct nine missions to the DRC.

## I. Situation in Georgia

### 1. Investigations

The Office carried out several investigative missions during the reporting period, and continued to engage with relevant national authorities and various stakeholders, including to secure cooperation in the context of the ongoing investigation.

## **2. Registry Activities**

CO continued to support OTP missions to Georgia, and maintain cooperation with host authorities and relevant actors in Georgia. Due to the COVID-19 crisis the CO was able to carry out eleven outreach meetings with affected communities, NGOs, and academia during the reporting period, when the restrictions allowed, involving around 230 individuals. CO assisted the TFV to carry out its outreach activities vis-à-vis the TFV's assistance programme for victims in Georgia with affected communities, media, and civil society representatives. CO continued to conduct Information Sharing Meetings with Georgian NGOs and civil society representatives, as well as providing relevant information to various media outlets. CO, in close cooperation with the headquarter, provided relevant information to general public, affected communities, and victims via various social media platforms. According to CO estimates around one million people were reached via various media or social media platforms.

## **J. Situation in Kenya**

### **1. Judicial developments**

#### *(a) The Prosecutor v. Paul Gicheru*

On 2 November 2020, Mr Gicheru surrendered himself to the authorities of the Netherlands pursuant to an arrest warrant issued by Pre-Trial Chamber II on the basis of suspected offences against the administration of justice consisting in corruptly influencing witnesses of the Court. On 6 November 2020, Mr Gicheru made his initial appearance before Pre-Trial Chamber A. On 11 December 2020, the Chamber severed the case against Mr Gicheru from the one against Mr Bett. On 29 January 2021, the Chamber granted Mr Gicheru's request for interim release subject to conditions on the basis of rule 119.

On 8 March 2021, the Appeals Chamber rejected the Office of Public Counsel for the Defence's appeal against Pre-Trial Chamber A's decision concerning the applicability to this case of rule 165 of the Rules of Procedure and Evidence, as provisionally amended. On 30 April 2021, Pre-Trial Chamber A received the parties' written submissions, replacing the hearing on the confirmation of the charges pursuant to rule 165(3); responses to those submissions were filed on 7 and 18 May 2021.

On 15 July 2021, Pre-Trial Chamber A confirmed 8 counts of offences against the administration of justice allegedly committed between April 2013 and September 2015 and committed Mr Gicheru to trial. On 27 July 2021, Pre-Trial Chamber A dismissed in limine the Defence request for leave to appeal the confirmation of charges decision.

### **2. Investigations**

The Office continued to collect evidence and conduct witness interviews regarding crimes allegedly committed against the administration of justice in the situation, and to encourage the surrender of remaining individuals subject to warrants of arrest relating to article 70 offenses against the administration of justice. The Office also continued to receive information on the alleged commission of crimes against humanity during the post-election violence of 2007-2008.

### **3. Registry Activities**

The Registry appointed four duty counsel and facilitated two missions in relation to this situation.

## **K. Situation in Libya**

### **1. Investigations**

The Office conducted several missions to different countries to collect evidence and conduct witness interviews regarding crimes allegedly committed by all parties to the conflict. As highlighted in its reports to the UN Security Council, most recently on 17 May 2021, the Office continued its efforts to advance investigations relating to both existing and potential new cases and to call for States and stakeholders' support to secure the execution of outstanding arrest warrants. In this regard, the Office has received reports on the alleged deaths of two suspects, namely Mr Al-Werfalli and Mr Al-Tuhamy, and is conducting checks to verify these allegations. In its investigative activities, the Office has continued to secure

cooperation from a number of States and international and regional organisations, including the UN Support Mission in Libya, as well as to extend and enhance its existing network of cooperation to achieve further progress in its investigations.

## 2. Registry Activities

Counsel from the OPCV represented the victims who already communicated with the Court in relation to the *Gaddafi* case for the purposes of the proceedings arising from the admissibility challenge brought by the Defence.

Due to the lack of judicial developments in the cases and the need to prioritise available resources, PIOS's activities in this situation are limited to following the developments on the ground and updating contact lists.

## L. Situation in Mali

### 1. Judicial developments

#### (a) *The Prosecutor v. Al Mahdi*

Following the decision of the Trial Chamber VIII approving the updated reparations implementation plan of the Trust Fund for Victims in March 2019, implementation continued during the reporting period and is projected to continue until 2022.

#### (b) *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud ("Mr Al Hassan")*

The trial, which commenced on 14 July 2020 before Trial Chamber X, continued throughout the remainder of 2020 and in 2021. The Prosecution's presentation of evidence started on 25 August 2020. As of 15 September 2021, 40 witnesses have testified and the testimony of a number of other witnesses has been submitted in writing. On 1 July 2021, the Appeals Chamber confirmed the decision of Trial Chamber X on the Prosecutor's application for notice of the possibility of modifying the legal characterisation of facts in the charges.

### 2. Investigations

The Office conducted several missions to investigate alleged crimes in this situation. It continued to receive cooperation from the national authorities and other partners, including UN entities – in particular, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the UN Educational, Scientific and Cultural Organization (UNESCO).

### 3. Registry Activities

Mali CO provided operational support to 50 missions and all ICC entities operating in Mali received administrative, logistic and security supports. In addition to active security monitoring, in close liaison with the UN common system in Mali, briefings, advisories, risk assessments and in-country missions support, especially in Timbuktu were provided. The CO completed the refurbishment of the permanent site for confidential activities using UN partnership and local solutions. The site has sustained most of the remote testimony sessions in the context of the ongoing trial of Al Hassan.

Mali CO provided operational and administrative support to TFV during the one euro symbolic awards to the Government of Mali and to the international community through UNESCO in recognition of the harms suffered by the entire population of Mali and the international community due to the destruction of the protected buildings in Timbuktu.

In coordination with PIOS, Mali CO disseminated to the media and civil society actors the communication products produced by PIOS covering the start of the presentation of evidence and witness statements. Consultations were also held with media representatives to gather their comments on the information materials produced by PIOS.

In response to the constraints of COVID-19, the VPRS continued to virtually organise information sessions for its intermediaries. These sessions made it possible to gather additional information for the applications received, to find out the context in which the victims live and to provide advice and psychological support to intermediaries during the pandemic period. From November 2020 to 31 May 2021, with the help of intermediaries in the field, the Office pre-identified over 300 new victims.

In *Al Mahdi*, during the reporting period, the VPRS processed a total of 836 reparation applications and transmitted them to the TFV. All victims participating in the proceedings are represented by external counsel.

In the *Al Hassan* case, VPRS has continued its efforts to reach out to victims and collect further applications. It moreover registered, assessed and transmitted a total of 527 applications to the Trial Chamber. Due to COVID-19-related restrictions, the Registry continued to use alternative means of reaching out to victims without jeopardising the safety of any of the actors involved. All victims participating in the proceedings are represented by a team of three external counsel.

The Registry facilitated four missions of defence counsel and three missions of legal representatives of victims. It also appointed nine duty counsels and facilitated eight missions.

## **M. Situation in Uganda**

### **1. Judicial Developments**

#### *(a) The Prosecutor v. Dominic Ongwen*

Trial Chamber IX issued its judgment on 4 February 2021 and sentencing decision on 6 May 2021. Mr Ongwen was found guilty of 61 crimes against humanity and war crimes and was sentenced to a joint sentence of 25 years' imprisonment.

Mr Ongwen has appealed both decisions and these appeals are currently pending. He has raised 90 grounds of appeal against his conviction and 12 grounds of appeal against sentence. In the context of these appeals, procedural decisions issued include those of 11 June and 20 August 2021, where the Appeals Chamber issued decisions dealing with the modalities of victim participation in both appeals.

The Trial Chamber is seized of reparations proceedings, with the main submissions scheduled to be filed in September 2021. The Chamber instructed the Registry to undertake a comprehensive mapping of the direct and indirect victims potentially eligible for reparations.

### **2. Investigations**

The Office continued to explore leads and avenues for the arrest or surrender of Joseph Kony, alleged leader of the Lord's Resistance Army. The Office also continued to encourage national proceedings in relation to both parties to the conflict.

### **3. Registry Activities**

The VPRS has regularly updated the Trial Chamber on the list of participating victims and of any request for resumption of action. It is also currently working on the mapping exercise ordered by the Trial Chamber on 6 May 2021 in its Order for Submissions on Reparations and it will submit its final report on this mapping as well as its observations on reparations by 6 December 2021. A preliminary mapping report was filed on 5 July 2021.

Despite the travel restrictions due to the COVID-19 pandemic, the CO in Kampala supported activities in Uganda and also serves as a logistics back up for operations in the neighbouring DRC. During the reporting period, the CO supported a total of 58 missions.

The CO continued facilitating direct access to the *Ongwen* trial, enhancing the meaningful involvement of victims and relevant stakeholders, and managing their expectations regarding the possible outcomes of the trial. Through a network of opinion leaders, local leaders and community-based organizations, the CO organised a total of 300 outreach activities. These face-to-face activities directly reached 25,470 people in northern Uganda. This period also witnessed the delivery of the verdict and the sentencing decision in the case. The office publicised these significant judicial phases through viewing and radio listening hubs established in 22 villages within the four case locations to allow affected communities to follow the live proceedings. The delivery of the verdict was also live broadcast on two national television stations, and aired live in the Acholi language on four local radio stations. In the absence of a physical visit to the Hague due to COVID restrictions, influential community leaders and representatives of civil society groups met in Gulu to follow the delivery of the verdict and the sentencing and had a virtual engagement with the Registrar, the Prosecutor, the Defence Counsel of Mr Ongwen and the legal representatives of victims. The meeting was an occasion to engage in any questions and comments regarding the verdict and the sentencing and discuss the next phases of the process.

221 interviews were granted to various news agencies and Registry staff participated in up to forty live radio programmes hosted in vernacular and community radio stations across northern Uganda. Together with the broadcast of 1,010 radio spot messages split into seven series, these interactive programmes reached an approximate 28 million people. Four questions and answers series that addressed common questions about the trial of Mr Ongwen were published before and after the verdict and the sentencing in two national daily newspapers, which provided the general population and the media with accurate and factual information on various topics.

During the pandemic the CO made intensive use of the Free SMS platform, engaging 12,000 people and keeping victims and affected communities informed about the *Ongwen* case. Additionally, VPRS field presence was able to provide support to organisations, including UN entities who sought to request leave to submit Amicus Curiae observations. In this regard, besides the provision of individualized guidance, the Registry conducted a remote training for 36 organisations based in Uganda. The Registry responded to individualized requests for information from victims of the situation and potential new victims of the case and liaised with civil society organizations and community-based organizations in relation to the mapping and observations on reparations.

Out of the 4,095 victims currently participating in the Ongwen case, 1,501 are represented by a Counsel from the OPCV and 2,594 by external counsel.

The Registry facilitated six missions of defence counsel and four missions of legal representatives of victims.

## **N. Situation on Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia**

### **1. Judicial Developments**

Following a request by the Union of the Comoros, Pre-Trial Chamber I found, on 16 September 2020, that the Prosecutor had failed to correct the errors previously identified by the Chamber and that she had committed new errors in her assessment of the gravity of the potential case(s). The Chamber nonetheless decided not to request the Prosecutor to reconsider her decision again. On 22 September 2020, the Union of the Comoros sought leave to appeal this decision. The Chamber issued a decision on 21 December 2020, rejecting the request for leave to appeal, by majority.

### **2. Registry Activities**

Victims represented by a counsel from the OPCV and by an external counsel, presented observations in the abovementioned proceedings.

## **O. Situation in the State of Palestine**

### **1. Judicial Developments**

On 5 February 2021, Pre-Trial Chamber I issued the ‘Decision on the “Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine”’. The Chamber found that i) the State of Palestine is a State Party to the Statute; ii) by majority, the State of Palestine qualifies as ‘[t]he State on the territory of which the conduct in question occurred’ for the purposes of article 12(2)(a) of the Statute; and iii) by majority, the Court’s territorial jurisdiction in the Situation in the State of Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.

### **2. Investigations**

On 3 March 2021, the Office announced the opening of its investigation into the situation. On 21 March 2021, the Office received a visit from the Minister of Foreign Affairs of the State of Palestine, aimed at exploring ways to strengthen cooperation. Also, an agreement on cooperation was signed with the State of Palestine on 15 June 2021. The Office has been assessing how best to meet the unique challenges that arise in this situation taking into account the operating environment, its resource capacity and heavy workload.

### 3. Registry Activities

VPRS and PIOS continued to update the Pre-Trial Chamber on the Registry's outreach activities in relation to the situation.<sup>3</sup> Both sections provided general information on the situation to a network of interlocutors. VPRS responded to victims' queries and organised informative sessions upon requests.

VPRS and PIOS, in cooperation with the OTP, as appropriate, moreover continued working together to update messages for the Court's website. PIOS conducted a mapping in relation to Palestine and Israel to determine the political context, perceptions and knowledge about the Court and potential partners among civil society, media, academia and the legal community.

PIOS publicised all major judicial developments, including the Decision on the Court's territorial jurisdiction in Palestine ("Decision")<sup>4</sup> and the statement of the Prosecutor on the opening of an investigation. It produced and distributed information materials also in Hebrew and Arabic, including a press release and a document with answers to the most commonly asked questions in relation to the Decision. In addition to targeted e-mails, the general public and diaspora were informed about the developments through posts on the Court's website and social media channels. The ICC Spokesperson and Head of the Public Affairs Unit also gave several interviews and answered media queries coordinating closely with the OTP as needed.

PIOS also put in place a system to monitor perceptions on traditional and social media also in Arabic and has been sharing the reports with relevant Registry sections and the OTP. The media monitoring contributed to understanding the main questions and concerns in relation to the Decision and also supported the ICC Spokesperson in his engagement with the media to contribute clarifying misconceptions and managing expectations.

## P. Situation in the Philippines

### 1. Judicial Developments

On 24 May 2021, the Prosecutor filed, in a confidential filing, the 'Request for authorisation of an investigation pursuant to article 15(3)'. On 14 June 2021, the Prosecutor filed a public redacted version of the Request. On 27 August 2021, the Registry transmitted to the Chamber the victims' representations under article 15(3) of the Statute and rule 50(3) of the Rules. On 15 September 2021, Pre-Trial Chamber I authorised 'the commencement of the investigation into the Situation in the Philippines, in relation to crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called 'war on drugs' campaign'.

### 2. Registry Activities

During the Article 15(3) process in the Philippines situation, the VPRS organized several informative sessions with individuals and organisations that have knowledge of the context of this situation. The VPRS collected and assessed 212 communications on victim groups' views on a potential investigation by the OTP. The VPRS filed a comprehensive report thereon on 27 August 2021 (ICC-01/21-11-AnxI-Red). It also transmitted to the Pre-Trial Chamber 204 victims' representations assessed as within the scope of the OTP's request for the authorization of the Pre-Trial Chamber to open an investigation. Following the Chamber's authorisation of an investigation, VPRS continued to reach out to its networks to disseminate the information, explain the decision as well as next steps.

## Q. Situation in Venezuela

On 28 May 2021, the Bolivarian Republic of Venezuela filed a 'Request for judicial control submitted to the Pre-Trial Chamber I of the International Criminal Court by the Bolivarian Republic of Venezuela pursuant to Articles 15 and 21.3 of the Statute and Rule 46.2 of the Rules of the regulations of the Court', following the Prosecutor's indication in its 14 December 2020 Report on Preliminary Examination Activities, that, since at least April 2017, crimes against humanity may have been committed by 'civilian authorities, members of the

<sup>3</sup> See Public Redacted version of "Registry's Twelfth Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", ICC-01/18-148-Red, 12 August 2021.

<sup>4</sup> Pre-Trial Chamber I, "Decision on the 'Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine'", 5 February 2021, ICC-01/18-143.

armed forces and pro-government individuals'. In its filing, Venezuela requested the Pre-Trial Chamber to exercise judicial control over the preliminary examination conducted by the Office of the Prosecutor. On 14 June 2021, the Pre-Trial Chamber I rejected Venezuela's Request for judicial review *in limine*.

## R. Outstanding requests for arrest and surrender

Requests for arrest and surrender issued by the Court are outstanding against 12 individuals:<sup>5</sup>

- i. DRC: Sylvestre Mudacumura, since 2012;
- ii. Uganda: Joseph Kony and Vincent Otti, since 2005;
- iii. Darfur: Ahmad Harun, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; Abdallah Banda, since 2014;
- iv. Kenya: Walter Barasa, since 2013 and Philip Kipkoech Bett, since 2015;
- v. Libya: Saif Al-Islam Gaddafi, since 2011; Al-Tuhamy Mohamed Khaled, since 2013; Mahmoud Mustafa Busayf Al-Werfalli, since 2017

## III. Preliminary examinations

During the reporting period, the OTP conducted preliminary examinations into 10 situations.

The Office completed its preliminary examination with a determination to proceed in the situations of Palestine and the Philippines. The Office also concluded its assessment in relation to three other preliminary examinations: UK/Iraq, deciding not to request the opening an investigation, having concluded that none of the potential cases arising from the situation would be admissible before the ICC; Nigeria and Ukraine with the determination that the criteria for opening investigation in both situations are met. The Office published a report on its preliminary examination activities on 14 December 2020.

With respect to Bolivia, following the referral received from the Government of Bolivia on 4 September 2020 regarding the situation in its own territory, the Office analysed the information provided by the Bolivian government along with information from other reliable sources with a view to concluding its assessment of whether the alleged conduct – acts allegedly committed in the connection to nationwide road blockades held in August 2020 – amounts to crimes under the Rome Statute.

In Colombia, the Office continued to assess the progress of relevant national proceedings carried out by the Colombian authorities under the ordinary justice, the Justice and Peace Law and Special Jurisdiction for Peace systems. On 15 June 2021, the Office issued a Benchmarking consultation report referring to the status of the preliminary examination and inviting relevant stakeholders to provide their views on the role the Office should play in a preliminary examination that faces long-term, multi-layered domestic accountability processes, and proposing the development of a benchmarking framework moving forward. The framework was introduced in skeletal form to invite responses, for consideration by the current Prosecutor.

In Guinea, the Office continued to conduct its admissibility assessment for the purpose of determining whether the ongoing national proceedings are vitiated by an unwillingness or inability to genuinely carry out the proceedings within a reasonable delay. On 9 October 2020, following reports of electoral and ethnic-related violence, the Prosecutor issued a public statement calling for calm and restraint from all political actors and their supporters and condemning the use of inflammatory rhetoric. The Office also closely followed developments concerning the 5 September 2021 *coup d'état*.

With regard to Iraq/UK, on 9 December 2020, the OTP closed the preliminary examination into situation. Despite identifying several concerns regarding how the authorities of the United Kingdom had conducted relevant proceedings, the Office was not satisfied that it could demonstrate in the context of article 18 proceedings before the Court that the

<sup>5</sup> It should be noted that in relation to a number of individuals, the Court has received information from various sources to the effect that they were deceased. However, official information in each case is required to establish the reported death. Warrant of arrest remains in effect until otherwise ordered by the Court.

investigative actions and/or the prosecutorial decisions taken by the competent domestic authorities evidenced shielding of persons, within the meaning of article 17(2) of the Statute.

In relation to Nigeria, on 11 December 2020, the OTP announced the completion of its preliminary examination, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity were committed and that the statutory criteria for opening an investigation were met. Given the limitations of the Office's operational capacity, prior to adopting a decision on seeking judicial authorisation to proceed, the Prosecutor continued to conduct a prioritisation review across all situations and cases in order to manage the Office's workload within existing resources and to explore all avenues for complementary action at the national and/or regional level.

With respect to Palestine, on 3 March 2021, the Office announced the opening of its investigation into the situation, following Pre-Trial Chamber I's decision of 5 February 2021 (see above). On 12 May 2021, the Prosecutor issued a preventive statement raising concern about the escalation of violence in the region, including the possible commission of crimes under the Rome Statute.

Regarding the Philippines, on 24 May 2021, the Office requested judicial authorisation to proceed with an investigation into the situation, having completed its preliminary examination and concluding that there was a reasonable basis to believe that crimes against humanity had been committed and that the statutory criteria for opening an investigation were met. On 15 September 2021, Pre-Trial Chamber I authorised the commencement of the investigation into the situation (see above).

In relation to Ukraine, on 11 December 2020, the OTP announced the completion of its preliminary examination, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity were committed and that the statutory criteria for opening an investigation were met. Given the limitations of the Office's operational capacity, prior to adopting a decision on seeking judicial authorisation to proceed, the Prosecutor continued to conduct a prioritisation review across all situations and cases in order to manage the Office's workload within existing resources and to explore all avenues for complementary action at the national and/or regional level.

With respect to the Venezuela I situation, the Office completed its assessment of subject-matter jurisdiction, determining that there is a reasonable basis to believe that crimes within the Court's jurisdiction have occurred in Venezuela since at least April 2017. In the context of its admissibility assessment, the Office sought information on relevant domestic proceedings and their conformity with Rome Statute requirements from the Venezuelan authorities. On 15 June 2021, the outgoing Prosecutor announced that she was handing over the determination on the preliminary examination to the incoming Prosecutor for his consideration and ultimate decision-making.

In relation to the Venezuela II situation, following the referral received from the Government of Venezuela regarding the situation in its own territory, the OTP continued to analyse the information provided by the Venezuelan government along with information from other reliable sources, with a view to reaching a determination on whether the alleged conduct amounts to Rome Statute crimes. In this context, the Office sought information relevant to the Office's subject matter assessment.

## **IV. Administration, management, and judicial support activities**

### **1. Elections and Appointments**

On 11 March 2021, the Court's judges elected Judge Piotr Hofmański as President of the Court for a three-year term, with immediate effect. Judges Luz del Carmen Ibáñez Carranza and Antoine Kesia-Mbe Mindua were elected First and Second Vice-President, respectively. Mr Karim A.A. Khan QC, elected by the Assembly of States Parties as the Court's Prosecutor for a nine-year mandate, gave his solemn undertaking and formally took office on 16 June 2021.

### **2. Effect of the COVID-19 pandemic on operations**

The Court has continued to undertake a multi-layered response to mitigate the effects of the COVID-19 pandemic. Owing to the rapid implementation of new working arrangements as well as creative solutions in the courtrooms to allow hybrid proceedings involving physically present participants as well as those connected remotely, the Court has managed to advance

its judicial proceedings with only limited delays. In order to protect the health and safety of personnel, the Court has implemented a gradual transition of staff to work from its premises. In its response to the pandemic, the Court has closely followed the advice of the authorities of its Host State, the Netherlands. The Court has also continued to implement similar measures across its Country Offices and its Liaison Office at the UN in New York, in close coordination with the UN.

### **3. Code of Judicial Ethics of the Court**

On 27 January 2021, a revised version of the Code of Judicial Ethics of the Court entered into force, incorporating amendments adopted by the Court's Judges following discussions at their retreat held in November 2020. In revising the Code to reflect best practices, the judges reaffirmed their strong commitment to the highest ethical standards. Key amendments were made concerning integrity, such as an express reference to judicial collegiality, an explicit prohibition of any form of discrimination, harassment and abuse of authority, and a new paragraph elaborating on ethical obligations in connection with the election of the Presidency. The revised Code clarifies its binding nature, as well as providing that certain ethical obligations continue to apply to former judges. It adds important concepts such as loyalty to the Court and further elaborates on judicial independence.

### **4. Appointment of Gender Equality Focal Point**

On 8 March 2021, the Court announced the appointment of a Focal Point for Gender Equality. The Focal Point assists the Court's Leadership in their efforts to strengthen gender related policies across the Court and to address issues related to employment conditions of women in the institution, including gender balance at all levels of employment. The Focal Point's key functions includes monitoring the Court's progress in strengthening gender equality; advocating on issues impacting women and gender; providing individual counselling; raising greater awareness through training programmes, workshops and events; and advising on gender parity targets.

## **V. Conclusion**

The Court made significant progress during the reporting period in its pre-trial, trial and appeals proceedings and reparations, as well as the investigations and preliminary examinations conducted by the OTP. Among notable developments, one accused was convicted and sentenced; two first-instance judgments were confirmed on appeal; one trial commenced and the presentation of evidence in another trial continued; charges were confirmed against two accused; two suspects were transferred to the Court; one new investigation was opened; and four preliminary examinations were concluded. The Court underwent a major change of leadership with the election of new judges, a new President and a new Prosecutor, and in addition to its judicial and prosecutorial activities engaged actively in the Review process aimed at strengthening the institution.

## Annex

## The ICC's year in numbers

<i>Where</i>	<i>What</i>	<i>Details and remarks</i>
	15 situations under investigation; 23 cases	AFGHANISTAN – no case; BANGLADESH/MYANMAR – no case; BURUNDI – no case; CAR I – 1) <i>Jean-Pierre Bemba Gombo</i> , 2) <i>Jean-Pierre Bemba et al.</i> ; CAR II – 3) <i>Alfred Yekatom and Patrice-Edouard Ngaïssona</i> ; COTE D'IVOIRE – 4) <i>Laurent Gbagbo and Charles Blé Goudé</i> , 5) <i>Simone Gbagbo</i> ; DARFUR (SUDAN) – 6) <i>Omar Al Bashir</i> , 7) <i>Ahmad Muhammad Harun</i> , 8) <i>Ali Muhammad Ali Abd-Al-Rahman</i> , 9) <i>Abdallah Banda</i> , 10) <i>Abdel Raheem Muhammad Hussein</i> ; DRC – 11) <i>Thomas Lubanga</i> , 12) <i>Bosco Ntaganda</i> , 13) <i>Germain Katanga</i> , 14) <i>Sylvestre Mudacumura</i> ; GEORGIA – no case; KENYA – 15) <i>Walter Osapiri Barasa</i> , 16) <i>Philip Kipkoech Bett</i> , 17) <i>Paul Gicheru</i> ; LIBYA – 18) <i>Saif Al-Islam Gaddafi</i> , 19) <i>Al-Tuhamy Mohamed Khaled</i> , 20) <i>Mahmoud Mustafa Busayf Al-Werfalli</i> ; MALI – 21) <i>Ahmad Al Faqi Al Mahdi</i> , 22) <i>Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud</i> ; STATE OF PALESTINE – no case; PHILIPPINES – no case UGANDA – 23) <i>Dominic Ongwen</i> , 24) <i>Joseph Kony and Vincent Otti</i> .
In the courtroom	189 hearings with 55 witnesses testifying	55 witnesses testified, with 24 appearing physically before the Court in The Hague and 31 testifying via video link.
	11,798 participating victims <sup>6</sup>	The figure includes more than 2,100 victims in the <i>Ntaganda</i> case, , aprpx. 4,100 in the <i>Ongwen</i> case, 1,188 in the <i>Yekatom/Ngaïssona</i> case and 1,681 in the <i>Al Hassan</i> case; 188 in <i>Abd-Al-Rahman</i> at pre-trial; 1,255 individuals in relation to reparation proceedings in <i>Lubanga</i> ; and 809 in <i>Al Mahdi</i> . Victims are represented by both external counsel and the OPCV in different constellations: in <i>Said</i> (pre-trial) and <i>Ntaganda</i> proceedings, OPCV counsel represent the entirety of participating victims; in the <i>Al Mahdi</i> and <i>Al Hassan</i> case, legal representation is entirely external; and in the <i>Lubanga</i> , <i>Ongwen</i> , <i>Yekatom/Ngaïssona</i> and <i>Abd-Al-Rahman</i> cases, victims are divided into different groups, represented by external counsel and the OPCV respectively (and specifically in the <i>Yekatom/Ngaïssona</i> case, a counsel from the OPCV is representing a victim group alongside four external counsel).
	817 decisions and 114 orders issued	Decisions: excluding annexes, redacted versions and translations – 579. Orders: excluding annexes, redacted versions and translations – 118.
	14 interlocutory appeals	<i>Said</i> (2) OA (29 June 2021) OA 2 (14 September 2021)  <i>Yekatom and Ngaïssona</i> (2) OA (9 October 2020) OA (5 February 2021)  <i>Abd-Al-Rahman</i> (7) OA (5 November 2020) OA 2 (8 October 2020) OA 4 (18 December 2020) OA 5 (18 December 2020) OA 6 (5 February 2021) OA 7 (2 June 2021) OA 9 (27 August 2021)  <i>Al Hassan</i> (2)

<sup>6</sup> A growing number of victims participating in the proceedings also become reparation applicants where cases enter into the reparations phase, as currently in *Al Mahdi*; *Lubanga*; *Ntaganda* and soon *Ongwen*. Figures of participating victims and reparations applicants/beneficiaries largely overlap as many individuals choose both instruments in their application forms to the ICC. In addition, victims of the former *Bemba* (exceeding 5000 individuals) and Gbagbo-Blé Goudé (over 700) proceedings are no longer participants in a judicial process but potential beneficiaries of the TFV through its assistance mandate.

		OA 2 (22 February 2021) OA 3 (1 July 2021)  <i>Gicheru</i> (1) OA (8 March 2021)
	8,719 filings made	Includes originals, translations, annexes, corrected and redacted versions. 96,889 court record pages filed.
	Assistance provided on requests to 28 defence and victims' teams (excluding States' representatives and situation-related representatives)	The Registry's Counsel Support Section ("CSS") centralises and coordinates all logistical and administrative support to defence counsel, legal representatives of victims and their teams as well as duty counsel and state representatives. During the reporting period, it facilitated the deployment of 52 missions to situation countries. CSS provided support to 16 defence and 12 victims' teams, including 183 defence team members in Lubanga, Katanga, Ntaganda, Bemba, Gbagbo, Blé Goudé, Ongwen, Al Mahdi, Banda, Gaddafi, Al Hassan, Yekatom, Ngaïssona, Abd-Al-Rahman, Gicheru and Said and 56 members of legal representatives of victims' teams in Lubanga 1 & 2, Katanga, Bemba, Banda, Al Bashir, Al Hassan, Al Mahdi, Ongwen, Yekatom, Ngaïssona and Abd-Al-Rahman. CSS appointed 36 duty counsel.
Behind the courtroom	6 to 9 persons in custody	The total number of persons in custody during the reporting period varied between 6 and 9: Mr. Ntaganda, Mr. Ongwen, Mr. Al Hassan, Mr. Yekatom, Mr. Ngaïssona, Mr Abd-Al-Rahman, Mr Gicheru (went later on Interim Release), Mr Said and a detained witness.
	5,494 victim forms for participation and/or reparations received	This figure contains also relevant follow-up information on individual victim forms processed by VPRS, including e.g. TFV decisions on individual victim reparation forms ( <i>Al Mahdi; Lubanga</i> ).
	106 witnesses and 583 dependents protected or relocated	The number of protected witnesses is almost equivalent to the last year's figure whereas the number of dependants has slightly increased compared to the previous report. At the beginning of the reporting period several protection cases were closed whereas towards the end more cases were entered into protection (at the moment 113 witnesses are under protection together with their 660 dependents). The figures provided are based on averages calculated over the 12 months including in the reporting period.
	55 candidates admitted to the ICC List of counsel with a total of 904 persons	In addition, 32 persons added to the ICC List of Assistants to counsel, making a total of 427 persons.
	696 Article 15 communications received	The OTP continued to analyse information received alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 September 2020 to 31 August 2021, the OTP registered 696 communications submitted under Article 15, of which 500 were manifestly outside the Court's jurisdiction; 40 were unrelated to current situations and warranted further analysis; 70 were linked to a situation already under analysis; and 86 were linked to an investigation or prosecution.  Additionally, during the same period, the Office received 3192 items of additional information to already existing communications.
	3,193 interpreter days	Court and conference interpretation: hearings, seminars/ roundtables, visits from delegations, NGO/diplomatic briefings and others – 2,514 interpreter days; field and operational interpreter days – 679.
	56,805 pages or 842 hearing-related transcripts, 176 pages or 4 non-hearing related transcripts	Hearing related: Includes 27,241 pages French and 29,564 pages of English transcripts. Non hearing related: includes 93 pages French and 83 pages of English transcripts.
	45,876 pages of translation requested; 9,819 pages finalized	42,316 pages of judicial translations were requested, with 6,447 pages finalized. 3,560 pages of non-judicial translations were requested, with 3,372 pages finalized.
	1,903 visitors received (including virtual visitors)	120 VIP visitors in 43 visits; 457 individuals who participated in 30 stakeholder visits (diplomats, NGOs, lawyers, prosecutors and journalists)

		<p>921 general information visitors (university students and general public, all virtually)</p> <p>505 individuals who attended hearings during the times where limited public was allowed in the public galleries.</p> <p>In general terms, despite the organisation of virtual visits and events, the numbers have been drastically reduced due the COVID pandemic, with physical visits and events taking place since March 2020 only exceptionally. The swearing-in of the newly elected Judges as well as the one of the Prosecutor took place under strict COVID-19 measures.</p>
	6,014,592 website page views, 2,930,818 YouTube views, 590,570 Twitter followers	<p>On the reporting period, the Court's website received a total of 6,014,592 page views and 2,431,124 visitors, including 1,478,096 new visitors. The streaming services of ICC hearings attracted 31,740,612 hits from 184 countries. 235 new videos were posted on YouTube, attracting 2,930,818 views. 148 press releases were distributed to a mailing list of more than 6,500 journalists and other stakeholders around the world. More than 230 interviews were conducted with officials of the Court. PIOS also continued to actively engage with global audiences through its various social media channels. The Court's two Twitter accounts (English and French) have garnered more than 590,570 followers, from which 145,508 are new followers, the two Facebook accounts had almost 280,000 likes and 260,000 followers, and the Court's two Instagram pages have attracted more than 65,000 followers, ensuring that the various ICC messages, campaigns, informative products and innovative visuals were shared to a wide audience. Facebook Live was also used successfully to broadcast further ICC hearings to a more global audience.</p>
	10,612 job applications processed, with 137 recruitments, and 851 staff members on established posts	<p>During the period covered: 2,284 applications for short-term positions, 8,328 applications for fixed-term positions, with 77 recruitments for fixed-term and 60 recruitments for short-term positions. In addition, 165 staff members are on positions funded by General Temporary Assistance, 50 on short-term appointments and 4 staff occupy Junior Professional Officer (JPO) positions.</p>
	231 interns and 56 visiting professionals recruited	<p>There were 231 Interns and 56 Visiting Professionals at the Court, of which 6 Visiting Professionals received a monthly stipend from the Court funded by the European Commission grant and 1 Visiting Professional received a monthly stipend from the Court funded by the Trust Fund for the Development of Interns and Visiting Professionals</p>
	1 Presidential Directive, 5 Administrative Instructions and 8 Information Circulars promulgated	<p>Presidential Directives set up procedures for implementation of regulations, resolutions and decisions adopted by the ASP, including regulations and rules on finance, staff, programme planning and budget. One Presidential Directives was promulgated during the reporting period. Administrative Instructions involve procedures, policies and regulatory matters of general concern. Five were published in this reporting period. Information Circulars are announcements of one time or temporary interest regarding, inter alia, changes in salary scales, entitlements and composition of committees and boards. Eight Information Circulars were promulgated during the reporting period.</p>
	2 external audits, 5 internal audits and 5 advisory service performed	<p><b>External audits:</b> Audit of Financial Statements of the International Criminal Court for the year ended 31 December 2020; Audit of Financial Statements of the Trust Fund for Victims for the year ended 31 December 2020; Evaluation of the oversight bodies of the Court; Pillar assessment of the International Criminal Court.; Evaluation of the oversight bodies is in the process. <b>Internal audits:</b> Judicial Workflow Platform: project governance and implementation (October 2020), Contract Management (December 2020), Procurement Process: technical evaluation review (February 2021), Assessment of the effectiveness of the strategy for setting up, scaling down and closing country offices (May 2021), Audit of the effectiveness of the implementation of the risk based vetting process and compliance to the established policy (June 2021) <b>Advisory Services:</b> 5 advisory service performed</p>
	469 missions undertaken	<p>OTP undertook 48 missions in non-situation countries and 86 missions in situation countries for the purposes of, inter alia, collecting evidence, screening and interviewing witnesses, and securing the continued cooperation of its partners. The Registry</p>

		undertook 132 missions in situation countries and 83 missions in non-situation countries. 76 additional missions were conducted in situation countries and 44 in non-situation countries by other entities including the Presidency, the Chambers, the Assembly of States Parties, the Trust Fund for Victims, the Audit and IOM.
In the field	434 outreach meetings and workshops for affected communities, reaching out to around 39,351 individuals	Between 1 September 2020 and end-August 2021: 434 Outreach meetings and workshops, including in Darfur (11), CAR (108), CIV (5), DRC (8), Georgia (13), Kenya (1) and Uganda (288). These meetings reached out to 39,351 individuals, of whom in Darfur (407), CAR (12,644), CIV (330), DRC (210), Georgia (228), Kenya (77) and Uganda (25,455).
	380 hours of media broadcast, with an estimated audience of 458,400,000	Includes ICC radio and TV productions and local productions in partnership with the ICC, in English, French and local languages. According to local media statistics, estimated audiences reached: CAR – 39 million, CIV – 1 million, DRC – 161 million, Darfur – 9.5 million, Mali – 3.9 million and Uganda – 244 million.
	7 country offices, 1 liaison office	Country offices in Kinshasa and Bunia (DRC); Kampala (Uganda); Bangui (CAR); Abidjan (Côte d'Ivoire), Bamako (Mali) and Tbilisi (Georgia). The liaison office to the UN in New York promotes cooperation between the ICC and the United Nations, represents the Court in various meetings, and assists in organising relevant events as well as visits of senior Court officials.
	Requests for arrest and surrender outstanding against 12 individuals	Against: Mr Sylvestre Mudacumura <sup>7</sup> , Mr Joseph Kony, Mr Vincent Otti, Mr Ahmad Muhammad Harun, Mr Omar Hassan Ahmad Al Bashir, Mr Abdel Raheem Muhammad Hussein, Mr Abdallah Banda Abakaer Nourain, Mr Walter Osapiri Barasa, Mr Philip Kipkoech Bett, Mr Saif Al-Islam Gaddafi, Mr Al-Tuhamy Mohamed Khaled, Mr Mahmoud Mustafa Busayf Al-Werfalli.
States-related	123 States Parties	
	664 cooperation requests sent	During the reporting period, the Registry transmitted 664 primary judicial cooperation requests (including 49 requests from the Victims and Witnesses Section). 257 requests from OTP (in addition to 130 notifications).
	1 new cooperation agreement	In September 2021, the Registry entered into a relocation agreement which brings the total number of relocation agreements to 25.
	120 high-level visitors welcomed at the seat of the Court	Visits to the seat of the Court included the Vice President of Colombia, Vice President of El Salvador, Ministers from various states such as; Romania, Slovenia, State of Palestine and Belgium, the Mayor of The Hague as well as State Attorneys, representatives from other International Organisations and EU special representatives.
	39 documents submitted for the ASP and 60 documents for the CBF. 15 documents submitted for the Audit Committee	For the 35th session of the CBF, the Court submitted 28 documents. For the 36th session of the CBF, the Court submitted 32 documents. The Court submitted 39 documents for the ASP during the reporting period. For the 13th Audit Committee, the Court submitted 5 documents. For the 14th Audit Committee, the Court submitted 10 documents.

<sup>7</sup> The Office of the Prosecutor is in the process of verifying the reported deaths of Sylvestre Mudacumura (in 2019) Al-Tuhamy Mohamed Khaled (in 2021); and Mahmoud Mustafa Busayf Al-Werfalli (in 2021).